

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JULIO ARMANDO MUNOZ,

Plaintiff,

v.

CATES,

Defendant.

No. 1:25-cv-00827 JLT BAM (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
ACTION, AND DIRECTING THE CLERK OF
COURT TO CLOSE THE CASE**

(Doc. 13)

On July 14, 2025, the magistrate judge issued an order requiring Plaintiff to show cause, within twenty-one days, why this action should not be dismissed for failure to exhaust administrative remedies prior to filing suit. (Doc. 8.) Plaintiff filed a response on August 7, 2025. (Doc. 9.) Following consideration of the response, the magistrate judge ordered Plaintiff to file a supplemental response to the order to show cause, within fourteen days, why this action should not be dismissed for failure to exhaust prior to filing suit. (Doc. 10.) Plaintiff did not file a response.

On September 15, 2025, the magistrate judge discharged the order to show cause and issued findings and recommendation that recommended this action be dismissed, without prejudice, based on Plaintiff's failure to exhaust administrative remedies prior to filing suit in compliance with the Prison Litigation Reform Act of 1996. (Doc. 13.) The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within

1 14 days. (*Id.* at 4.) The Court also informed Plaintiff that the “failure to file objections within the
2 specified time may result in the waiver of the ‘right to challenge the magistrate’s factual findings’
3 on appeal.” (*Id.* at 4-5, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) Plaintiff
4 did not file objections, and the time in which to do so has passed.

5 According to 28 U.S.C. § 636 (b)(1)(c), this Court has conducted a *de novo* review of the
6 case. Having carefully reviewed the entire file, the Court finds that the Findings and
7 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 8 1. The Findings and Recommendations issued on September 15, 2025 (Doc. 13) are
9 **ADOPTED**.
- 10 2. This action is **DISMISSED** without prejudice.
- 11 3. The Clerk of the Court is directed to close this case.

12
13 IT IS SO ORDERED.

14 Dated: **October 15, 2025**


UNITED STATES DISTRICT JUDGE